

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roman Sakowicz *et al.*  
Serial No.: 09/235,416  
Filed: 01/22/99  
Entitled: Identification and Expression of  
a Novel Kinesin Motor Protein



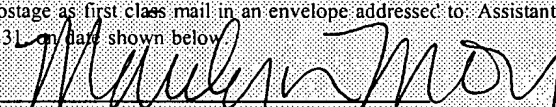
Group No.: 1645  
Examiner: L. Lee

PETITION UNDER 37 C.F.R. § 1.182 TO REVIVE  
APPLICATION THAT WAS IMPROPERLY  
ABANDONED BY THE OFFICE

RECEIVED  
FEB 25 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

OFFICE OF PETITIONS

<b>CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)(1)(i)(A)</b>	
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on date shown below.	
Dated: February 14, 2003	By:  Marilyn Moy

RECEIVED  
FEB 27 2003

Sir/Madam:

ACTION REQUESTED

TECH CENTER 1600/2900

Applicants respectfully petition the Commissioner of the Patent and Trademark Office pursuant to 37 C.F.R. §1.182 to (1) revive the above-identified patent application which was improperly abandoned by the U.S. Patent & Trademark Office (USPTO), (2) refund the petition fee upon the grant of this Petition, and (3) expedite examination of the application upon grant of this Petition, because the error resulting in abandonment of the application is attributed to the USPTO.

STATEMENT OF FACTS AND EVIDENCE  
[REVOCATION OF PRIOR POWERS (Tab 1) AND  
STAMPED RECEIPT POSTCARD (Tab 2)]

Applicants mailed to the USPTO on January 31, 2001 a document entitled "POWER OF ATTORNEY BY ASSIGNEE (REVOCATION OF PRIOR POWERS)" (copy enclosed at Tab 1) together with a postcard that expressly listed the "Power of Attorney by Assignee

(Revocation of prior Powers)." Receipt by the USPTO of this postcard and of the documents listed thereon was confirmed by the USPTO's stamp date of February 5, 2001 which appears on the postcard (Tab 2). Applicants did not receive any further written communication from the USPTO for 26 months from the mailing date of an Office Action mailed on September 7, 2000. Therefore, Applicants mailed on November 25, 2002 to the USPTO a "Status Inquiry." In response to this inquiry, Applicants' representative, Dr. Maha Hamdan, received on February 13, 2002 a telephone call from Ms. Aster of the USPTO<sup>1</sup> in which Ms. Aster stated that this application was abandoned for failure to respond to an Office action that was mailed by the USPTO on November 2, 2001. Ms. Aster also stated that the Office Action was mailed by the USPTO to the **prior law firm**, Townsend & Townsend & Crew. Applicants have **not** received the Office Action mailed on November 2, 2001.

#### POINTS TO BE REVIEWED

Applicants filed a document that **expressly** "revokes any powers of attorney which may have been filed and appoints the members of the firm of MEDLEN & CARROLL, LLP" (Tab 1). This document also **expressly** requested the USPTO to "direct all future correspondence and telephone calls regarding this application to: Kamrin T. MacKnight, MEDLEN & CARROLL, LLP, 220 Montgomery Street, Suite 2200, San Francisco, California 94104." Importantly, this document was **received** by the USPTO on February 5, 2001 (as evidenced by the stamped postcard at Tab 2) which is **prior to** the mailing date of the November 2, 2001 Office Action. Thus, despite Applicants' timely and express instructions, the USPTO **improperly** mailed the Office Action to the prior law firm, whose power of attorney was revoked.

In view of the above, the abandonment of this application by the USPTO was improper, and the application should be revived. Furthermore, since the abandonment was due to the USPTO's error, the accompanying petition fee should be credited to the Applicants, and examination of the application should be expedited by mailing a copy of the November 2, 2001 Office Action to Applicants (please note the attached change of address for MEDLEN & CARROLL, LLP).

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<sup>1</sup> Ms. Aster's telephone is (703) 308-0198.

The Commissioner is hereby authorized to charge any fees associated with filing this petition (including the fee under 37 CFR § 1.17(h)) or credit overpayment to our Deposit Account No. 08-1290. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Signed on behalf of:

Dated:

FEBRUARY 14, 2003



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